



27th October 2010

Chairman,
Port Qasim Authority,
Port Qasim,
Karachi.

Sub: Channel Maintenance Dredging Works 2010-2011 and Capital Dredging Works for Turning Basin

Dear Sir,

Transparency International Pakistan has received complaint that one bidder who has not submitted bid as per requirement of the post qualification document Clause 2.2.3 Equipment Capabilities, by offering cutter section dredger which shall to be maximum age of 20 years.

The complainant has informed that one bidder has submitted bid with the cutter section dredger of over 30 year age.

Kindly note that PPRA Notification 2008 also makes it mandatory on all federal government procuring agencies to use Standard form of Bidding Documents for Procurement of Works (electrical & mechanical) Harmonized with PPRA Rules available on PPRA and PEC websites. Therefore following clause is mandatory on PQA which confirms that a bid not complying with the specifications will not be considered.

24 1(c) *A bid will not be considered, if:*

- (i) *it is not accompanied with bid security,*
- (ii) *it is submitted by a bidder who has participated in more than one bid,*
- (iii) *it is received after the deadline for submission of bids,*
- (iv) *it is submitted through fax, telex, telegram or email,*
- (v) *it indicates that prices quoted are not firm during currency of the contract whereas the bidders are required to quote fixed price(s),*
- (vi) *the bidder refuses to accept arithmetic correction,*
- (vii) *it is materially and substantially different from the Conditions/Specifications of the Bidding Documents.*



Please also note following provisions of tender and PEC document.

24.3 Prior to the detailed evaluation, pursuant to Clause IB.26 the Employer/Engineer will determine the substantial responsiveness of each Bid to the Bidding Documents. For purpose of these Clauses, a substantially responsive Bid is one which conforms to all the terms and conditions of the Bidding Documents without material deviations.

A material deviation or reservation is one

- (i) which affects in any substantial way the scope, quality or performance of the Works.*
- (ii) which limits in any substantial way, inconsistent with the Bidding Documents, the Employer's rights or the bidder's obligations under the Contract; or*
- (iii) whose rectification/adoption would affect unfairly the competitive position of other bidders presenting substantially responsive bids.*

The Employer's/Engineer's determination of a Bid's responsiveness will be based on the contents of the Bid itself without recourse to extrinsic evidence.

24.4 A Bid determined as substantially non-responsive will be rejected and will not subsequently be made responsive by the Bidder by correction of the non-conformity.

If the complaint is correct, and one bidder has submitted the cutter section dredger of over 30 year age, which was specified in the tender documents and subsequent addendums to be only upto 20 years old, the bid is non-responsive and can not be made responsive.

Yours Sincerely,


Syed Adil Gilani
Chairman

Copy forwarded to the Secretary Ports & Shipping for information.